

U.S. Department of Justice



*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

July 15, 2020

BY ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Marcus Odom, 17 Cr. 321 (JMF)

Dear Judge Furman:

The Government writes, on behalf of the parties, with respect to defendant Marcus Odom's pending Section 2255 motion. *See* 20 Civ. 10 (JMF), Doc. Nos. 2, 3, 8, and 9. The Government and Odom's newly appointed counsel, Zachary Margulis-Ohnuma, Esq., have conferred in response to the Court's July 7, 2020 order. (17 Cr. 321 (JMF), Doc. No. 45.)

The parties respectfully request that the Court stay further briefing and decision on Odom's Section 2255 motion, pending a decision from the Second Circuit in either *United States v. McCoy*, No. 17-3515 (argued on October 23, 2019), *United States v. Collymore*, Dkt. No. 19-596 (argued on June 1, 2020), or *United States v. Morris*, Dkt. No. 16-6 (argued on June 25, 2020) that resolves whether attempted Hobbs Act robbery qualifies as a "crime of violence" under the force clause of 18 U.S.C. § 924(c)(3)(A)—an issue that is at the core of Odom's motion. The parties propose submitting a joint letter two weeks after the Second Circuit decides the crime-of-violence issue. (If the Second Circuit decides each of the three cases mentioned above without resolving the crime-of-violence issue, the parties propose submitting their joint letter two weeks after the last of the three cases is decided.) If the parties agree on what the appropriate disposition of Odom's motion should be in light of the Second Circuit's decision, we will inform the Court of that agreement in the joint letter. If the parties disagree on the appropriate disposition, we will propose a schedule for further briefing.

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Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney for the
Southern District of New York

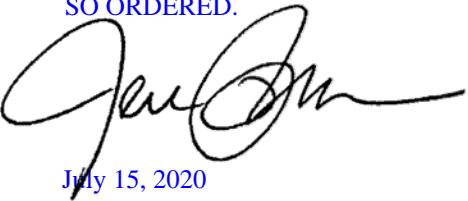
By:


Justin V. Rodriguez
Assistant United States Attorney
(212) 637-2591

cc: Zachary Margulis-Ohnuma, Esq. (via ECF)

Application GRANTED. The Clerk of Court is directed to terminate ECF No. 46.

SO ORDERED.


July 15, 2020